

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

REBECCA GARCIA,

Plaintiff,

Case No.: 1:16-CV-872

v.

GEICO GENERAL INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

Defendant GEICO General Insurance Company, hereinafter ("GEICO"), by and through its counsel of record, Chapman and Charlebois, P.C., (Donna L. Chapman and John A. Armijo), hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and in support thereof, states as follows:

1. Plaintiff Rebecca Garcia ("Plaintiff") filed her Complaint to Recover Damages for Personal Injury and Other Damages ("Complaint") in the Second Judicial District, Bernalillo County, State of New Mexico, in Cause No. D-202-CV-2016-03783 (hereinafter "State Court Action") on June 17, 2016. (See Plaintiff's Complaint, attached hereto as **Exhibit A**).

2. In her Complaint, Plaintiff alleges she was a resident of the State of New Mexico at the time of the collision. (*Id.* at ¶ 1).

3. Plaintiff named Defendant GEICO, as the only Defendant in Plaintiff's Complaint.

4. Defendant asserts GEICO is incorporated and its principal place of business is in the state of Maryland.

5. Diversity of citizenship is present in this matter as set forth in 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b)(2).

6. Defendant accepted service through the Superintendent of Insurance on June 29, 2016. (See **Exhibit B**).

7. Less than thirty (30) days have passed since Defendant accepted service of the initial pleadings on this matter.

8. As Defendant has accepted service and is the only Defendant served in this matter, 28 U.S.C. § 1446(b)(2)(A) is satisfied. (See Register of Actions for the State Court Action, hereto attached as **Exhibit C**).

9. Pursuant to Plaintiff's allegations, the amount in controversy exceeds \$75,000, as set forth in 28 U.S.C. §§ 1441(b)(2).

10. Pursuant to the attached documentation from Plaintiff's counsel, dated April 18, 2016, the amount in controversy exceeds the jurisdictional amount of \$75,000. See **Exhibit D**. See also, *Hanna v. Miller*, 163 F.Supp. 2d 1302, 1305-06 (D.N.M. 2001) (stating for purposes of determining diversity jurisdiction, the court may consider other relevant materials in the record).

11. This case may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1446.

12. By and through this Notice of Removal, Defendant removes all claims asserted against it on the basis of diversity jurisdiction, which is conferred upon this Court pursuant to 28 U.S.C. §§ 1332 and 1441.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being concurrently served upon the Plaintiff on this date.

14. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing of Removal in the State Court Action, a copy of which is hereto attached as **Exhibit E**.

15. In addition to the Notice of Filing Notice of Removal in the State Court Action, Defendant is concurrently filing an Entry of Appearance in the State Court Action on this date, a copy of which is hereto attached as **Exhibit F**.

16. Pursuant to 28 U.S.C. § 1446(a) and D.N.M.LR-Civ. 81.1(a), all process, pleadings, and orders from the State Court Action will be filed with this Court in a separate Transmittal of State Court Record within twenty-eight days (28) of this Notice.

17. A Civil Cover Sheet for this Court is hereto attached as **Exhibit G**.

WHEREFORE, the removing Defendant gives notice the above-styled action, which was pending in the Second Judicial District, Bernalillo County, State of New Mexico, as Cause No. D-202-CV-2016-03783 is removed to this Court.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

/s/John A. Armijo
Donna L. Chapman
John A. Armijo
P.O. Box 92438
Albuquerque, NM 87199
Tel: (505) 242-6000
donna@cclawnm.com
john@cclawnm.com
*Attorneys for Defendant GEICO General
Insurance Company*

I HEREBY CERTIFY THAT on this ^{29th} day of July, 2016, I filed the foregoing electronically through CM/ECF system, which caused the following counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Mark J. Caruso
Caruso Law Offices, P.C.
4302 Carlisle Blvd., N.E.
Albuquerque, NM 87107
505-883-5000
Attorney for Plaintiff

/s/John A. Armijo

John A. Armijo

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

REBECCA GARCIA,

Plaintiff,

vs.

No. D-202-CV-2016-03783

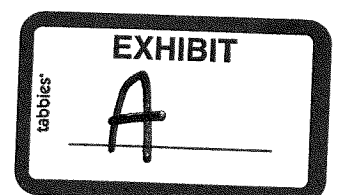
GEICO GENERAL INSURANCE COMPANY,

Defendant.

COMPLAINT TO RECOVER DAMAGES
FOR PERSONAL INJURY AND OTHER DAMAGES

COMES NOW the Plaintiff Rebecca Garcia, by and through her attorneys of record, Caruso Law Offices, P.C., by Mark J. Caruso, Esq. and brings her claim for damages against the Defendant and for her cause of action states as follows:

1. Plaintiff Rebecca Garcia is a resident of County of Bernalillo, State of New Mexico.
2. Defendant Geico General Insurance Company, hereinafter "Defendant Geico" is a foreign corporation doing business in the State of New Mexico by issuing automobile liability insurance policies to New Mexico residents.
3. Plaintiff Rebecca Garcia procured her insurance policy from Defendant Geico. Said policy provided for uninsured motorist coverage in the event Plaintiff Rebecca Garcia had a collision with an uninsured driver.
4. The incident giving rise to this action occurred in County of Bernalillo, State of New Mexico.
5. On or about December 14, 2014, Plaintiff Rebecca Garcia was traveling northbound on Coors Boulevard SW waiting to make a left hand turn, her arrow turned green and no traffic was



approaching. She began to make a left hand turn onto Bluewater Road NW when uninsured driver Daniel Trujeque collided with her vehicle.

6. Uninsured driver Daniel Trujeque is liable to Plaintiff Rebecca Garcia as a result of the following acts of negligence, acts or omissions:

Failing to observe and obey a traffic control device;

Failing to stop for a red light;

Failing to yield to oncoming traffic;

Driving inattentively;

Traveling too fast for conditions;

Failing to keep a proper look out;

Failing to keep a vehicle under control;

Driving a vehicle in violation of motor vehicle statutes, laws and ordinances;

Failing to operate a vehicle in a safe and reasonable manner; and

Driving a vehicle in a careless manner.

7. Plaintiff Rebecca Garcia is insured with Defendant Geico for uninsured motorist coverage.

8. Defendant Geico has a contractual obligation and duty to the Plaintiff, their insured, to provide the referenced coverage.

9. Defendant Geico has breached its contractual duty to the Plaintiff, their insured, to provide the referenced coverage to Plaintiff.

10. Defendant Geico is contractually directly liable to Plaintiff Rebecca Garcia for the following damages:

Damages for medical expenses, both past and future;

Damages for pain and suffering, both past and future; and

Damages for permanent injury and impairment.

11. The damages sought by Plaintiff Rebecca Garcia against Defendant Geico do not exceed \$75,000, and this claim is therefore not subject to diversity jurisdiction of the United States District Court.

WHEREFORE, Plaintiff Rebecca Garcia prays for judgment against Defendant Geico General Insurance Company in an amount reasonable to compensate her for all the foregoing damage and injuries, plus interest and prejudgment interest, attorney's fees, the costs of this action, and for such other further relief as the Court may deem proper.

CARUSO LAW OFFICES, P.C.

By: /s/ Mark J. Caruso
Mark J. Caruso, Esq.
Attorneys for Plaintiff
4302 Carlisle Blvd., N.E.
Albuquerque, New Mexico 87107
Tel: (505) 883-5000
Fax: (505) 883.5012
E-mail: www.carusolaw.com

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

Mailing Address: P.O. Box 1689, Santa Fe, NM 87504-1689

Physical Address: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501

Main Phone: (505) 827-4601; Main Fax (505) 827-4734; Toll Free: 1-855-4-ASK-OSI

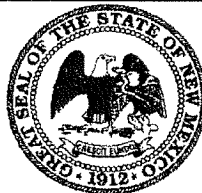
www.osi.state.nm.us

**SUPERINTENDENT OF
INSURANCE**

John G. Franchini – (505) 827-4299

DEPUTY SUPERINTENDENT

Robert Doucette – (505) 827-4439



Service of Process

Room 434

(505) 827-1291

June 29, 2016

GEICO General Insurance Co.
Legal Dept. – Matthew J Zuraw
2280 North Greenville Ave
Richardson, TX 75082

*Forbes -
0271497820101012*

Re: Rebecca Garcia Vs GEICO General Insurance Company,
D202CV2016-03783

Dear Mr. President:

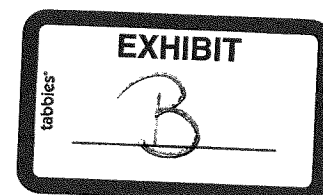
In accordance with the provisions of NMSA 1978, Sections 59A-5-31 & 59A-32, enclosed is a copy of a Summons, and Complaint to Recover Damages for Personal Injury and Other Damages, Court-Annexed Arbitration Certification, Plaintiff's First Set of Interrogatories, and Request for Production, to Defendant GEICO General Insurance Company in the State of New Mexico on the above styled cause, Service has been accepted on your behalf as of June 29, 2016.

Respectfully,

John G. Franchini, Superintendent

Enclosure

CERTIFIED MAIL 7010 0290 0002 3837 6790



REGISTER OF ACTIONS
CASE No. D-202-CV-2016-03783

Rebecca Garcia v. GEICO General Insurance Company

§
§
§
§
§
§

Case Type: **Tort Auto**
 Date Filed: **06/17/2016**
 Location: **Bernalillo County**
 Judicial Officer: **Campbell, Clay**

PARTY INFORMATION

Defendant **GEICO General Insurance Company****Attorneys**Plaintiff **Garcia, Rebecca**

Mark J. Caruso
Retained
 505-883-5000(W)

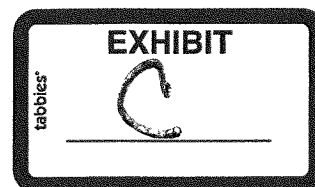
EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

06/17/2016	Cause Of Actions	Other Damages
	Action Type	Action
06/17/2016	Cause Of Actions	Tort: Personal Injury Auto
	Action Type	Action
06/17/2016	<u>OPN: COMPLAINT</u>	
06/17/2016	<u>ARB: CERT NOT SUBJECT</u>	
06/22/2016	Summons	
	GEICO General Insurance Company	Unserved

FINANCIAL INFORMATION

	Plaintiff Garcia, Rebecca		
	Total Financial Assessment		132.00
	Total Payments and Credits		132.00
	Balance Due as of 07/28/2016		0.00
06/17/2016	Transaction Assessment		132.00
06/17/2016	File & Serve Payment	Receipt # ALBD-2016-16932	(132.00)
		Garcia, Rebecca	



Apr. 18. 2016 1:09PM

No. 9655 P. 3

Mark J. Caruso
Attorney At Law
Licensed In NM & CA

CARUSO

LAW OFFICES

Main Office
4302 Carlisle Blvd NE
Albuquerque, NM 87107
Tel: (505) 883-5000
Fax: (505) 883-5012

Westside Office
2929 Coors Blvd. NW
Suite 310E
Albuquerque, NM 87120
Tel: (505) 883-5000

www.carusolaw.com

April 18, 2016

GEICO
Attention: Phoenix Lopez
P.O. Box 509105
San Diego, CA 92150

RE: Our Client : Rebecca Garcia
Claim Number: 027149782-0101-012
Accident Date: 12.15.14

Dear Ms. Lopez:

As you are aware, we have been retained by Ms. Garcia with respect to the personal injuries she suffered as a result of the motor vehicle accident that occurred on December 15, 2014.

The purpose of this letter is as a demand for settlement and is not authorized for any other purpose. This letter will outline the important facts for determining the amount of damages which should be recovered by my client.

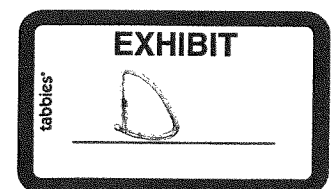
MEDICAL EXPENSES:

As you may be aware, New Mexico statutes have set forth a specific jury instruction to assist the jury in determining the amount of medical expenses which should be recovered by my client. The instruction is as follows:

"The reasonable value of necessary medical expenses which have been required as a result of the injury and the present cash value of such non-medical expenses reasonably certain to be required in the future." (NMSA Jury Instruction 13-1804)

Ms. Garcia incurred the following incident-related medical expenses as a direct result of the motor vehicle accident caused by your insured driver:

1. Albuquerque Ambulance	\$ 843.10
2. Presbyterian Rust Medical Center	\$2,444.00
3. Presbyterian ER Physician Billing	\$ 610.00
4. Edwards Chiropractic	\$4,908.00
5. Albuquerque Health Partners (Journal Center)	\$1,801.00
6. Taos Orthopedic Institute	\$ 185.00
7. Lovelace Rehabilitation	\$5,723.06
8. Radiology Associates of Alb.	\$ 335.00



Apr. 18. 2016 1:09PM

No. 9655 P. 4

9. Zia Diagnostic	\$ 65.00
10. Sage Neuroscience	\$ 345.00
11. Hanger Prosthetics	\$ 43.84
Total:	\$17,238.00

PAIN & SUFFERING:

Each of Ms. Garcia's medical care providers have carefully documented all complaints of pain, suffering, and change of lifestyle as they relate to the injuries she sustained. This documentation is in the form of notes made contemporaneously with their examination and treatments of my client's injuries. In addition, friends and relatives of Rebecca Garcia can attest to the pain, suffering, and change of lifestyle as they relate to the injuries she sustained.

As you may be aware, New Mexico statutes have set forth a specific jury instruction to assist the jury in determining the amount of pain and suffering. The instruction is as follows:

"The pain and suffering experienced and reasonably certain to be experienced in the future as a result of the injury. The guide for you to follow in determining compensation for pain and suffering, if any, is the enlightened conscience of impartial jurors acting under the sanctity of your oath to compensate the plaintiffs with fairness to all parties to this action." (NMSA Jury Instruction 13-1807)

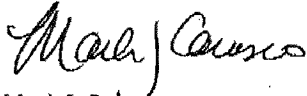
SETTLEMENT DEMAND:

Rebecca Garcia herein demands the sum of \$85,000.00 as full and final settlement of her injury claim. This offer cannot remain open indefinitely and shall terminate thirty (30) days following the date of your receipt of this certified demand package.

Enclosed please find complete documentation of all incident-related medical records and medical expenses incurred. Please contact me immediately, in writing, if you require any additional documentation to properly evaluate Ms. Garcia's bodily injury claim against your insured.

Thank you.

Sincerely,



Mark J. Caruso
Attorney at Law, licensed in CA and NM
Caruso Law Offices, P.C.
MJC/mer

Enclosure(s): Medical Records and Expenses
cc: Rebecca Garcia

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

REBECCA GARCIA,

Plaintiff,

v.

No. D-202-CV-2016-03783

GEICO GENERAL INSURANCE COMPANY,

Defendants.

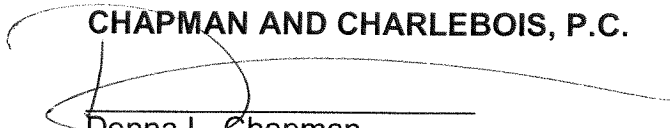
NOTICE OF FILING OF REMOVAL

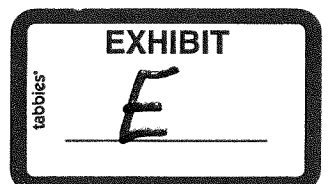
PLEASE TAKE NOTICE that GEICO General Insurance Company (hereinafter "GEICO"), by and through its attorneys Chapman and Charlebois, P.C. (Donna L. Chapman and John A. Armijo), has filed a Notice of Removal in the United States District Court for the District of New Mexico. A true and correct copy of the Notice of Removal, attached to this Notice as Exhibit "1" was emailed to:

Mark J. Caruso
Caruso Law Offices, P.C.
4302 Carlisle Blvd. NE
Albuquerque, NM 87107
505-883-5000
mark@carusolaw.com
Attorney for Plaintiff

Respectfully submitted,

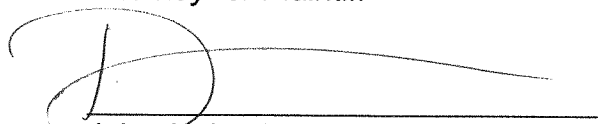
CHAPMAN AND CHARLEBOIS, P.C.


Donna L. Chapman
John A. Armijo
P.O. Box 92438
Albuquerque, NM 87199
Tel: (505) 242-6000
donna@cclawnm.com
john@cclawnm.com
Attorneys for GEICO



I HEREBY CERTIFY THAT on this 29 day of July, 2016, I filed the foregoing electronically through the Odyssey File and Serve system, which caused the following counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, and that a copy was sent via e-mail to the following:

Mark J. Caruso
Caruso Law Offices, P.C.
4302 Carlisle Blvd. NE
Albuquerque, NM 87107
505-883-5000
mark@carusolaw.com
Attorney for Plaintiff



John A. Armijo

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

REBECCA GARCIA,

Plaintiff,

v.

No. D-202-CV-2016-03783

GEICO GENERAL INSURANCE COMPANY,

Defendants.

ENTRY OF APPEARANCE

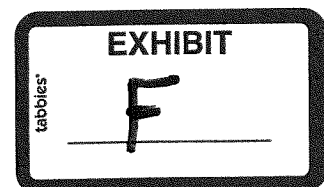
Chapman and Charlebois, P.C. (Donna L. Chapman and John A. Armijo), hereby enter their appearance on behalf of Defendant GEICO General Insurance Company. Copies of all documents pertaining to litigation in this matter should be sent to the undersigned attorneys.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.



Donna L. Chapman
John A. Armijo
PO Box 92438
Albuquerque, NM 87199
505-242-6000
donna@cclawnm.com
john@cclawnm.com
Attorneys for GEICO



I hereby certify the foregoing was served
on the following counsel of record via the
Odyssey File & Serve system on this 29
day of July, 2016:

Mark J. Caruso
Caruso Law Offices, P.C.
4302 Carlisle Blvd. NE
Albuquerque, NM 87107
505-883-5000
mark@carusolaw.com
Attorney for Plaintiff



John A. Armijo

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
REBECCA GARCIA**DEFENDANTS**

GEICO GENERAL INSURANCE COMPANY

(b) County of Residence of First Listed Plaintiff **BERNALILLO**
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
MARK J. CARUSO, CARUSO LAW OFFICES, P.C.
4302 CARLISLE NE
ALBUQUERQUE, NM 87107 (505) 883-5000Attorneys (If Known)
DONNA L. CHAPMAN AND JOHN A. ARMIJO
CHAPMAN AND CHARLEBOIS, P.C. P.O. BOX 92438
ALBUQUERQUE, NM 87109 (505) 242-6000**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

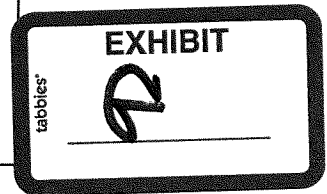
- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 u.s.c. Sec. 1332, 1441, 1141(b), 1446 and 1146(b)(2)(A)Brief description of cause:
PERSONAL INJURY**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____